



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/861,365 05/21/97 SKLAR

F 173022-6

EXAMINER

LM51/1027

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ART UNIT PAPER NUMBER

2773

DATE MAILED:

10/27/98

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to 5/21/97

☒ The allowed claim(s) is/are 1-3

☐ The drawings filed on _____ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☒ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☒ Notice of Draftperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☐ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

**RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2773**

Art Unit: 2773

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-7 are allowable over the prior of record.
2. The following is an examiner's statement of reasons for allowance: The Examiner has carefully considered applicant's two independent claims 1 and 5 as filed. A "method and apparatus for user selection of items" wherein "each item is characterized as being a member of in category selected from plurality of categories" comprising "determining a number of selections which can be presented at one time in the display, a selection being either an item or a category", displaying "at least one item label represents the items in the category where the items and categories displayed are number of selections and a threshold count" wherein "items from categories with no more than threshold count are represented by individual item labels and items from categories with more than the threshold count are collectively represented by on of the at least one category labels", determining "how much of the display area would be left over area, after display of category labels representing items" designating "at least one category as an open category, based on the number of items in the category" and displaying "an item label for each item in the at least one open category and other open categories, if any, and a category label for each unopen".

Art Unit: 2773

common to each independent claim is not taught nor suggest by the prior art now made record (see attached form PTO-892).

Initially, as regards displaying at least one item label represents the items in the category where the items and categories displayed are number of selections and a threshold count wherein “items from categories with no more than threshold count are represented by individual item labels and items from categories with more than the threshold count are collectively represented by on of the at least one category labels”, Eick et al “USING SYMBOL WHOSE APPEARANCE VARIES TO SHOW CHARACTERISTICS OF A RESULT OF A QUERY” (US #5,636,350) for showing the results of a query performed on a database, a symbol of varying appearance which appears in an area of the first areas, the varying appearance operating to indicate a characteristic of the results of the subquery corresponding to the area, and the characteristics according to which the appearance varies is a number of hits produced by the subquery.

However, a method and apparatus for user selection of items wherein “ each item is characterized as being a member of in category selected from plurality of categories “items from categories with no more than threshold count are represented by individual item labels and items from categories with more than the threshold count are collectively represented by on of the at least one category labels is not disclosed nor suggested. Eick et al. is displaying the results of query on a database, a symbol appears in the field if a search of the data base results in a minimum

Art Unit: 2773

number of hits in the year and journal represented by the pair. The appearance of the symbol varies with properties such as the number of hits and the number of pages in the hits.

The prior art made of record does contain numerous examples of presenting user with selection of items has a position in hierarchical structure, determining a weight for each of a plurality of links in the hierarchical structure, cluster is a plurality of items whose path distance to another item in the cluster is less than the threshold, a path distance being a sum of the weights of the links traversed to reach either a common ancestor or to reach the other item which is cluster per se, such as Kuichi et al. (US #5,644,740), Healy et al. (US #5,644,736), Becker et al. (US #5,623,590) and Stiegler (5,774,121).

However, none of the prior art of record teaches or suggests the details of the determining "how much of the display area would be left over area, after display of category labels representing items designating at least one category as an open category, based on the number of items in the category and displaying an item label for each item in the at least one open category and other open categories, if any, and a category label for each unopen".

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2773

Response

4. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 305-9724 for informal or draft communications. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

Inquires

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Can (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim, can be reached on (703) 305-3821. The fax number for this group is (703) 308-6606.


Art Unit: 2773

All Internet e-mail communications will be made of record in the application file PTO employees do not engage in Internet communications where there exists a includes properly signed express waiver of the confidentiality requirement of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark Office on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

C. Nguyen

October 21, 1998



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2773